

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: AETNA UCR LITIGATION

MDL No. 2020

Master File No. 2:07-cv-3541 (FSH)(PS)

This Document Relates To:
ALL CASES

REDACTED

DECLARATION OF BRIAN BOONE

I, Brian Boone, hereby certify and state:

1. I am an associate with the law firm of Gibson, Dunn & Crutcher, counsel for Defendants Aetna Health Inc. PA, Corp., Aetna Health Management, LLC, Aetna Life Insurance Company, Aetna Health and Life Insurance Company, Aetna Health Inc., and Aetna Insurance Company of Connecticut (collectively, "Aetna").

2. I make this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification.

EXPERT MATERIALS

3. Attached hereto as Exhibit 1 is a true and correct copy of the expert report prepared by Dr. Bernard Siskin in *Wachtel v. Health Net, Inc.*, 223 F.R.D. 196 (D.N.J. 2004), dated March 31, 2004.

4. Attached hereto as Exhibit 2 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Bernard Siskin dated April 6, 2010.

5. Attached hereto as Exhibit 3 are excerpts from a true and correct copy of the deposition transcript of Dr. Bernard Siskin taken on May 13, 2010.

6. Attached hereto as Exhibit 4 is a true and correct copy of the affirmative merits expert report prepared by Dr. Bernard Siskin dated August 9, 2010.

7. Attached hereto as Exhibit 5 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Stephen Foreman dated April 6, 2010.

8. Attached hereto as Exhibit 6 is a true and correct copy of the responsive class certification expert report prepared by Dr. Stephen Foreman dated May 1, 2010.

9. Attached hereto as Exhibit 7 are excerpts from a true and correct copy of the deposition transcript of Dr. Stephen Foreman taken on May 17 and 18, 2010.

10. Attached hereto as Exhibit 8 is a true and correct copy of "An Analysis of the Proposed New Jersey PIP Medical Fee Schedules, Physician Fees and Ambulatory Surgery Center Facility Fees," Stephen Foreman, PhD, JD, MPA dated December 4, 2006, introduced at the May 17 and 18, 2010 deposition of Dr. Stephen Foreman as deposition exhibit 16.

11. Attached hereto as Exhibit 9 is a true and correct copy of the affirmative merits expert report prepared by Dr. Stephen Foreman dated August 9, 2010.

12. Attached hereto as Exhibit 10 are excerpts from a true and correct copy of the deposition transcript of Dr. Stephen Foreman taken on November 1 and 2, 2010.

13. Attached hereto as Exhibit 11 is a true and correct copy of FAIR Health report entitled "Summary of FAIR Health Phase I Rate Table Methodology" dated September 2010, introduced at the November 1 and 2, 2010 deposition of Dr. Stephen Foreman as deposition exhibit 33.

14. Attached hereto as Exhibit 12 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Gordon Rausser dated April 6, 2010.

15. Attached hereto as Exhibit 13 are excerpts from a true and correct copy of the deposition transcript of Dr. Gordon Rausser taken on May 20 and 21, 2010.

16. Attached hereto as Exhibit 14 is a true and correct copy of the affirmative merits expert report prepared by Dr. Gordon Rausser dated August 9, 2010.

17. Attached hereto as Exhibit 15 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Robin Cantor dated April 6, 2010.

18. Attached hereto as Exhibit 16 is a true and correct copy of the responsive class certification expert report prepared by Dr. Robin Cantor dated May 1, 2010.
19. Exhibit 17 has been intentionally left blank.
20. Attached hereto as Exhibit 18 is a true and correct copy of the responsive merits expert report prepared by Dr. Robin Cantor dated November 10, 2010.
21. Attached hereto as Exhibit 19 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Andrew Joskow dated April 6, 2010.
22. Attached hereto as Exhibit 20 is a true and correct copy of the responsive class certification expert report prepared Dr. Andrew Joskow dated April 30, 2010.
23. Exhibit 21 has been intentionally left blank.
24. Attached hereto as Exhibit 22 is a true and correct copy of the responsive merits expert report prepared by Dr. Andrew Joskow dated November 10, 2010.
25. Attached hereto as Exhibit 23 is a true and correct copy of the affirmative class certification expert report prepared by Dr. Daniel Slottje dated April 6, 2010.
26. Attached hereto as Exhibit 24 is a true and correct copy of the responsive class certification expert report prepared by Dr. Daniel Slottje dated May 1, 2010.
27. Exhibit 25 has been intentionally left blank.
28. Attached hereto as Exhibit 26 is a true and correct copy of the affirmative merits expert report prepared by Dr. Daniel Slottje dated August 9, 2010.
29. Attached hereto as Exhibit 27 is a true and correct copy of the responsive merits expert report prepared by Dr. Daniel Slottje dated November 10, 2010.
30. Attached hereto as Exhibit 28 is a true and correct copy of the affirmative merits expert report prepared by Dr. Thomas McCarthy dated November 10, 2010.

FACT DEPOSITION MATERIALS

31. Attached hereto as Exhibit 29 are excerpts from a true and correct copy of the deposition transcript of American Medical Association ("AMA") 30(b)(6) designee Catherine Hanson taken on June 21 and 22, 2010.

32. Attached hereto as Exhibit 30 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff American Medical Association, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 459.

33. Attached hereto as Exhibit 31 is a true and correct copy of a letter from Robert J. Axelrod to Gareth Evans dated March 29, 2010, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 460.

34. Attached hereto as Exhibit 32 is a true and correct copy of a document entitled "Standardizing CPT Codes, guidelines and conventions" bearing Bates Numbers AMA-AET-02131-02143, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 467.

35. Attached hereto as Exhibit 33 is a true and correct copy of an e-mail from Tammy Banks to Jason Marino dated March 11, 2009, with attachment "CPT Process: How a Code Becomes a Code," bearing Bates Numbers AMA-AET-228425-228431, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 468.

36. Attached hereto as Exhibit 34 is a true and correct copy of an e-mail from Matthew Katz dated February 9, 2006 with attachment "Understanding Charge Levels and Medical Practices: A Proposal for Fee Development" bearing Bates Numbers AMA-AET-301218-301222, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 469.

37. Attached hereto as Exhibit 35 is a true and correct copy of "Sell Sheet Physician Fee Guide 2007" bearing Bates Number AMA-AET-50945, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 480.

38. Attached hereto as Exhibit 36 is a true and correct copy of "Fee schedule analysis using your complete practice cost as a guide" bearing Bates Numbers AMA-AET-00029-00033, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 470.

39. Attached hereto as Exhibit 37 is a true and correct copy of "Building a Defensible Fee Schedule: An Analytical Approach" bearing Bates Numbers AMA-AET-209393-209426, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 471.

40. Attached hereto as Exhibit 38 is a true and correct copy of "AMA Path marketing overview," bearing Bates Numbers AMA-AET-214330-214331, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 472.

41. Attached hereto as Exhibit 39 is a true and correct copy of "Fee Schedule Analysis: Importance of AMA Path," with Catherine I. Hanson, bearing Bates Numbers AMA-AET-213628-213637, introduced at the deposition of AMA 30(b)(6) designee Catherine Hanson as deposition exhibit 473.

42. Attached hereto as Exhibit 40 are excerpts from a true and correct copy of the deposition transcript of AMA 30(b)(6) designee Leonard Nelson taken on June 22, 2010.

43. Attached hereto as Exhibit 41 are excerpts from a true and correct copy of American Medical Association, House of Delegates Proceedings, Interim Convention 1983, the full version of which was introduced at the deposition of AMA 30(b)(6) designee Leonard Nelson as deposition exhibit 488.

44. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from American Medical Association, House of Delegates Proceedings, Interim Convention 1980, introduced at the deposition of AMA 30(b)(6) designee Leonard Nelson as deposition exhibit 489.

45. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from American Medical Association, House of Delegates Proceedings, Annual Convention 1984, introduced at the deposition of AMA 30(b)(6) designee Leonard Nelson as deposition exhibit 490.

46. Attached hereto as Exhibit 44 is a true and correct copy of "Usual Customary and Reasonable Rates for Physician Services, Arcane Concepts With Major Financial

Repercussions,” Leonard Nelson, dated January 24, 2007 bearing Bates Numbers AMA-AET-333293-333308, introduced at the deposition of AMA 30(b)(6) designee Leonard Nelson as deposition exhibit 487.

47. Attached hereto as Exhibit 45 are excerpts from a true and correct copy of the deposition transcript of American Podiatric Medical Association (“APMA”) 30(b)(6) designee Michael King taken on July 29, 2010.

48. Attached hereto as Exhibit 46 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff American Podiatric Medical Association, introduced at the deposition of APMA 30(b)(6) designee Michael King as deposition exhibit 9.

49. Attached hereto as Exhibit 47 is a true and correct copy of a portion of an Aetna insurance filing representing the definition of an out-of-network benefit in Aetna plans, introduced at the deposition of APMA 30(b)(6) designee Michael King as deposition exhibit 18.

50. Attached hereto as Exhibit 48 are excerpts from a true and correct copy of the deposition transcript of Connecticut State Medical Society (“CSMS”) 30(b)(6) designee Matthew Katz taken on July 9, 2010.

51. Attached hereto as Exhibit 49 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff Connecticut State Medical Society, introduced at the deposition of CSMS 30(b)(6) designee Matthew Katz as deposition exhibit 5.

52. Attached hereto as Exhibit 50 is a true and correct copy of an e-mail from Matthew Katz to Mary Jo Malone, Robert Seligson, and Rick Abrams dated July 1, 2008 bearing Bates Numbers CSMS-AET-29776-29777, introduced at the deposition of CSMS 30(b)(6) designee Matthew Katz as deposition exhibit 6.

53. Attached hereto as Exhibit 51 are excerpts from a true and correct copy of the deposition transcript of Medical Society of the State of New York (“MSSNY”) 30(b)(6) designee Donald Moy taken on July 21 and 22, 2010.

54. Attached hereto as Exhibit 52 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff Medical Society of the State of New York, introduced at the deposition of MSSNY 30(b)(6) designee Donald Moy as deposition exhibit 5.

55. Attached hereto as Exhibit 53 are excerpts from a true and correct copy of the deposition transcript of New Jersey Psychological Association ("NJPA") 30(b)(6) designee Barry Helfmann taken on July 28, 2010.

56. Attached hereto as Exhibit 54 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff New Jersey Psychological Association, introduced at the deposition of NJPA 30(b)(6) designee Barry Helfmann as deposition exhibit 9.

57. Attached hereto as Exhibit 55 are excerpts from a true and correct copy of the deposition transcript of Texas Medical Association ("TMA") 30(b)(6) designee Lee Spangler taken on July 22, 2010.

58. Attached hereto as Exhibit 56 is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of Plaintiff Texas Medical Association, introduced at the deposition of TMA 30(b)(6) designee Lee Spangler as deposition exhibit 9.

59. Attached hereto at Exhibit 57 is a true and correct copy of a screenshot from the TMA public website entitled "Don't Lose Revenue With an Outdated Fee Schedule," published on June 21, 2007 and introduced at the deposition of TMA 30(b)(6) designee Lee Spangler as deposition exhibit 13.

60. Attached hereto as Exhibit 58 are excerpts from a true and correct copy of the deposition transcript of Dr. Darrick Antell taken on March 9, 2010.

61. Attached hereto as Exhibit 59 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-00197, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 379.

62. Attached hereto as Exhibit 60 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-02133, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 387.

63. Attached hereto as Exhibit 61 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-00279, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 388.

64. Attached hereto as Exhibit 62 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-01984, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 389.

65. Attached hereto as Exhibit 63 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-02102, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 390.

66. Attached hereto as Exhibit 64 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers ANTELL-AET-00835, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 391.

67. Attached hereto as Exhibit 65 is a true and correct copy of a health insurance claim form bearing Bates Numbers ANTELL-AET-00220, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 392.

68. Attached hereto as Exhibit 66 is a true and correct copy of a health insurance claim form bearing Bates Numbers ANTELL-AET-1838, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 393.

69. Attached hereto as Exhibit 67 is a true and correct copy of a health insurance claim form bearing Bates Numbers ANTELL-AET-00001, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 394.

70. Attached hereto as Exhibit 68 is a true and correct copy of a health insurance claim form 1500 bearing Bates Numbers AET-03522675, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 395.

71. Attached hereto as Exhibit 69 is a true and correct copy of "Health Inventures: Fee Schedule Methodology" bearing Bates Numbers ANTELL-AET-03244, introduced at the deposition of Dr. Darrick Antell as deposition exhibit 396.

72. Attached hereto as Exhibit 70 are excerpts from a true and correct copy of the deposition transcript of Sharyn Chilcott taken on April 14, 2005.

73. Attached hereto as Exhibit 71 are excerpts from a true and correct copy of the deposition transcript of Michele Cooper taken on January 19, 2010.

74. Attached hereto as Exhibit 72 is a true and correct copy of a coverage preauthorization letter for venous ligation surgery bearing Bates Number Cooper-AET-00482-483, introduced at the deposition of Michelle Cooper as deposition exhibit 6.

75. Attached hereto as Exhibit 73 is a true and correct copy of a letter from Ms. Cooper dated August 6, 2002 bearing Bates Number Cooper-AET-00040, introduced at the deposition of Michelle Cooper as deposition exhibit 7.

76. Attached hereto as Exhibit 74 is a true and correct copy of a letter to Aetna Health, Inc., from Jenna Levinson, with a one page attachment bearing Bates Number Cooper-AET-0038-0039, introduced at the deposition of Michelle Cooper as deposition exhibit 8.

77. Attached hereto as Exhibit 75 is a true and correct copy of a letter from Michelle Bitensky to Aetna dated December 1, 2002 bearing Bates Number Cooper-AET-00033-00035, introduced at the deposition of Michelle Cooper as deposition exhibit 9.

78. Attached hereto as Exhibit 76 is a true and correct copy of Aetna response to Ms. Cooper's appeal letter dated December 30, 2002 bearing Bates Number Cooper-AET-00461-462, introduced at the deposition of Michelle Cooper as deposition exhibit 10.

79. Attached hereto as Exhibit 77 is a true and correct copy of an Explanation of Benefits dated May 13, 2005 bearing Bates Number Cooper-AET-00346-00347, introduced at the deposition of Michelle Cooper as deposition exhibit 12.

80. Attached hereto as Exhibit 78 is a true and correct copy of a statement from Manhattan Nuclear Cardiology dated July 19, 2005 bearing Bates Number Cooper-AET-00347, introduced at the deposition of Michelle Cooper as deposition exhibit 13.

81. Attached hereto as Exhibit 79 is a true and correct copy of a letter to Aetna from Angie Rampe dated September 14, 2005 bearing Bates Number AET-0000894, introduced at the deposition of Michelle Cooper as deposition exhibit 14.

82. Attached hereto as Exhibit 80 is a true and correct copy of a letter to Manhattan Nuclear dated September 26, 2005 bearing Bates Number Cooper-AET-0000898, introduced at the deposition of Michelle Cooper as deposition exhibit 15.

83. Attached hereto as Exhibit 81 is a true and correct copy of a statement from Manhattan Nuclear dated March 2, 2007 bearing Bates Number Cooper-AET-00489, introduced at the deposition of Michelle Cooper as deposition exhibit 16.

84. Attached hereto as Exhibit 82 is a true and correct copy of a fax from Mr. Cooper to Aetna dated March 19, 2007 bearing Bates Number AET-01355624-01355626, introduced at the deposition of Michelle Cooper as deposition exhibit 17.

85. Attached hereto as Exhibit 83 is a true and correct copy of an Explanation of Benefits regarding Manhattan Nuclear Cardiology procedures bearing Bates Number Cooper-AET-00488, introduced at the deposition of Michelle Cooper as deposition exhibit 18.

86. Attached hereto as Exhibit 84 is a true and correct copy of letter from CareCore National to Michele Cooper dated May 20, 2005 bearing Bates Number Cooper-AET-00003-00004, introduced at the deposition of Michelle Cooper as deposition exhibit 41.

87. Attached hereto as Exhibit 85 is a true and correct copy of a payment related to services from CareCore National bearing Bates Number Cooper-AET-00369, introduced at the deposition of Michelle Cooper as deposition exhibit 42.

88. Attached hereto as Exhibit 86 is a true and correct copy of a payment voucher from Lenox Hill Radiology bearing Bates Number Cooper-AET-00379, introduced at the deposition of Michelle Cooper as deposition exhibit 43.

89. Attached hereto as Exhibit 87 are excerpts from a true and correct copy of the deposition transcript of Michelle Ferensic-Smith taken on April 12, 2010.

90. Attached hereto as Exhibit 88 are excerpts from a true and correct copy of the deposition transcript of Darlery Franco taken on January 22, 2010.

91. Attached hereto as Exhibit 89 are excerpts from a true and correct copy of the deposition transcript of Theresa Hatzikostas taken on March 26, 2010.

92. Attached hereto as Exhibit 90 are excerpts from a true and correct copy of the deposition transcript of Deborah Justo taken on April 14, 2005.

93. Attached hereto as Exhibit 91 are excerpts from a true and correct copy of the deposition transcript of Dr. Carmen Kavali taken on February 12, 2010.

94. Attached hereto as Exhibit 92 is a true and correct copy of a complaints and appeals tracking system cover sheet and attachments related to Carmen Kavali bearing Bates Number AET-03508582-03508584, introduced at the deposition of Dr. Carmen Kavali as deposition exhibit 211.

95. Attached hereto as Exhibit 93 is a true and correct copy of a patient billing summary dated September 22, 2009 bearing Bates Number Kavali-AET-00931-00933, introduced at the deposition of Dr. Carmen Kavali as deposition exhibit 192.

96. Attached hereto as Exhibit 94 is a true and correct copy of a patient billing summary bearing Bates Number Kavali-AET-00955-957, introduced at the deposition of Dr. Carmen Kavali as deposition exhibit 204.

97. Attached hereto as Exhibit 95 are excerpts from a true and correct copy of the deposition transcript of Brian Mullins taken on February 22, 2010.

98. Attached hereto as Exhibit 96 are excerpts from a true and correct copy of the deposition transcript of Dr. Alan Schorr taken on March 12, 2010.

99. Attached hereto as Exhibit 97 are excerpts from a true and correct copy of the deposition transcript of Paul Smith taken on January 20, 2010.

100. Attached hereto as Exhibit 98 are excerpts from a true and correct copy of the deposition transcript of Sharon Smith taken on January 21, 2010.

101. Attached hereto as Exhibit 99 are excerpts from a true and correct copy of the deposition transcript of Dr. Frank Tonrey taken on February 22, 2010.

102. Attached hereto as Exhibit 100 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00209, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 318.

103. Attached hereto as Exhibit 101 is a true and correct copy of a letter to the Aetna Appeals Department dated August 13, 2008 bearing Bates Number Tonrey-AET-00212, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 319.

104. Attached hereto as Exhibit 102 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-213, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 320.

105. Attached hereto as Exhibit 103 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00699, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 321.

106. Attached hereto as Exhibit 104 is a true and correct copy of a statement of account bearing Bates Number AET-03509381-03509385, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 322.

107. Attached hereto as Exhibit 105 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00705, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 323.

108. Attached hereto as Exhibit 106 is a true and correct copy of a statement of account dated December 28, 2009 bearing Bates Number Tonrey-AET-00698, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 324.

109. Attached hereto as Exhibit 107 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00166, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 325.

110. Attached hereto as Exhibit 108 is a true and correct copy of an Explanation of Benefits bearing Bates Number AET-03509922-03509924, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 326.

111. Attached hereto as Exhibit 109 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00167, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 327.

112. Attached hereto as Exhibit 110 is a true and correct copy of a statement of account bearing Bates Number Tonrey-AET-00168, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 328.

113. Attached hereto as Exhibit 111 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00188, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 329.

114. Attached hereto as Exhibit 112 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00190, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 330.

115. Attached hereto as Exhibit 113 is a true and correct copy of a statement of account bearing Bates Number Tonrey-AET-00191, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 331.

116. Attached hereto as Exhibit 114 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00222, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 332.

117. Attached hereto as Exhibit 115 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00223, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 333.

118. Attached hereto as Exhibit 116 is a true and correct copy of a fax dated September 26, 2008 bearing Bates Number Tonrey-AET-00225-00226, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 334.

119. Attached hereto as Exhibit 117 is a true and correct copy of a statement of account dated October 16, 2009 bearing Bates Number Tonrey-AET-00224, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 335.

120. Attached hereto as Exhibit 118 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00228-00229, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 336.

121. Attached hereto as Exhibit 119 is a true and correct copy of an Explanation of Benefits bearing Bates Number Tonrey-AET-00232, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 337.

122. Attached hereto as Exhibit 120 is a true and correct copy of a statement of account bearing Bates Number Tonrey-AET-00231, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 338.

123. Attached hereto as Exhibit 121 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00230, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 339.

124. Attached hereto as Exhibit 122 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00233, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 340.

125. Attached hereto as Exhibit 123 is a true and correct copy of a statement of account bearing Bates Number Tonrey-AET-00234, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 341.

126. Attached hereto as Exhibit 124 is a true and correct copy of a claim payment dated August 19, 2008 bearing Bates Number AET-03509818, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 342.

127. Attached hereto as Exhibit 125 is a true and correct copy of patient notes bearing Bates Number Tonrey-AET-00346, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 343.

128. Attached hereto as Exhibit 126 is a true and correct copy of a statement of account bearing Bates Number Tonrey-AET-00347, introduced at the deposition of Dr. Frank Tonrey as deposition exhibit 344.

129. Attached hereto as Exhibit 127 are excerpts from a true and correct copy of the deposition transcript of Jeffrey Weintraub taken on March 1, 2010.

MISCELLANEOUS DOCUMENTS

130. Attached hereto as Exhibit 128 is a true and correct copy of North Peninsula Surgical Center, L.P.'s Responses and Objections to Defendant's First Set of Interrogatories.

131. Attached hereto as Exhibit 129 is a true and correct copy of Spinal Imaging Inc.'s Responses to Aetna's First Set of Requests for Production of Documents.

132. Attached hereto as Exhibit 130 is a true and correct copy of a letter to the Aetna Customer Resolution Team dated February 11, 2009 from Carolyn and Chris Whittington, produced by Aetna in this litigation bearing Bates Numbers AET-00005113-00005118.

133. Attached hereto as Exhibit 131 is a true and correct copy of an Explanation of Benefits dated February 13, 2009, produced by Aetna in this litigation bearing Bates Numbers AET-00111199-00111200.

134. Attached hereto as Exhibit 132 is a true and correct copy of U.S. Senate Committee on Commerce, Science, and Transportation, Office of Oversight and Investigations staff report entitled "Underpayments to Consumers By the Health Insurance Industry" dated June 24, 2009, produced by the American Medical Association in this litigation bearing Bates Number AMA-AET-271579 -271603.

135. Attached hereto as Exhibit 133 are excerpts from a true and correct copy of the transcript of *Am. Med. Ass'n v. United Healthcare Corp.*, No. 00-cv-2800 (S.D.N.Y.), September 14, 2009 hearing.

136. Attached hereto as Exhibit 134 are excerpts from a true and correct copy of the transcript of *Wachtel v. Health Net, Inc.*, 223 F.R.D. 196 (D.N.J. 2004), April 10, 2008 hearing.

137. Attached hereto as Exhibit 135 is a true and correct copy of a Joint Letter to Judge Shwartz regarding Tag-Along Discovery in *In re: Aetna UCR Litigation*, No. 2:07-CV-3541 (D.N.J.) dated April 27, 2010.

138. Attached hereto as Exhibit 136 is a true and correct copy of a settlement agreement and consent order from the State of New Jersey Department of Banking and Insurance, In the Matter of Violations of the Laws of New Jersey by Aetna Health, Inc. executed March 2009.

139. Attached hereto as Exhibit 137 is a true and correct copy of excerpts from Health Net, Inc.'s Securities and Exchange Commission Form 10-K filing for the fiscal year 2008.

140. Attached hereto as Exhibit 138 is a true and correct copy of American Surgical Assistants, Inc.'s Responses and Objections to Defendant's First Set of Interrogatories.

141. Attached hereto as Exhibit 139 is a true and correct copy of a letter from Robin Gelburd, President, FAIR Health, Inc. to "FAIR Health Website Subscriber" dated August 18, 2010.

142. Attached hereto as Exhibit 140 is a true and correct copy of State of New Jersey Department of Banking and Insurance Order No.: A10-113, In Re The Use of the Ingenix MDR Database for the Calculation of Usual, Customary and Reasonable Fees Pursuant to N.J.A.C. 11:3-29.4(e), issued on August 26, 2010.

143. Attached hereto as Exhibit 141 are excerpts from a true and correct copy of the transcript of *Am. Med. Ass'n v. United Healthcare Corp.*, No. 00-cv-2800 (S.D.N.Y.), September 13, 2010 hearing. September 13, 2010.

144. Attached hereto as Exhibit 142 is a true and correct copy of a letter from Richard J. Doren to Robert J. Axelrod dated October 28, 2009, with attachment entitled "MDL 2020 Aetna 2008 ACAS Claim Data Production."

145. Attached hereto as Exhibit 143 is a true and correct copy of a letter from Geoffrey M. Sigler to Robert J. Axelrod dated December 3, 2008, with attachment entitled "MDL 2020 Aetna 2008 HMO Claim Data Production."

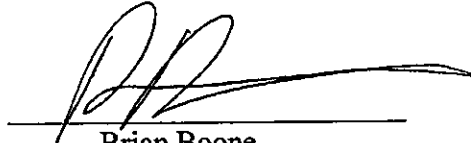
146. Attached hereto as Exhibit 144 is a true and correct copy of a letter from Gareth T. Evans to Robert J. Axelrod dated July 19, 2010, with attachment entitled "MDL 2020 Aetna 2008 ASH Claim Data Production."

147. Attached hereto as Exhibit 145 is a true and correct copy of a letter from Gareth T. Evans to Robert J. Axelrod dated February 12, 2010.

148. Attached hereto as Exhibit 146 is a true and correct copy of a letter from Geoffrey M. Sigler to Robert J. Axelrod dated March 12, 2010.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: November 15, 2010



Brian Boone